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1609 7590 12/13/2007 ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P. 1300 19TH STREET, N.W. SUITE 600 WASHINGTON,, DC 20036			EXAMINER FIGUEROA, FELIX O	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/767,177
Filing Date: January 30, 2004
Appellant(s): CARVER, KEITH R.

Garrett v. Davis
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/13/2007 appealing from the Office action mailed 03/22/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,343,962	Krause	02-2002
US 5,975,821	Kue	11-1999
US 6,866,456	Bentrim	03-2005
US 3,775,730	Rowls et al.	11-1973

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

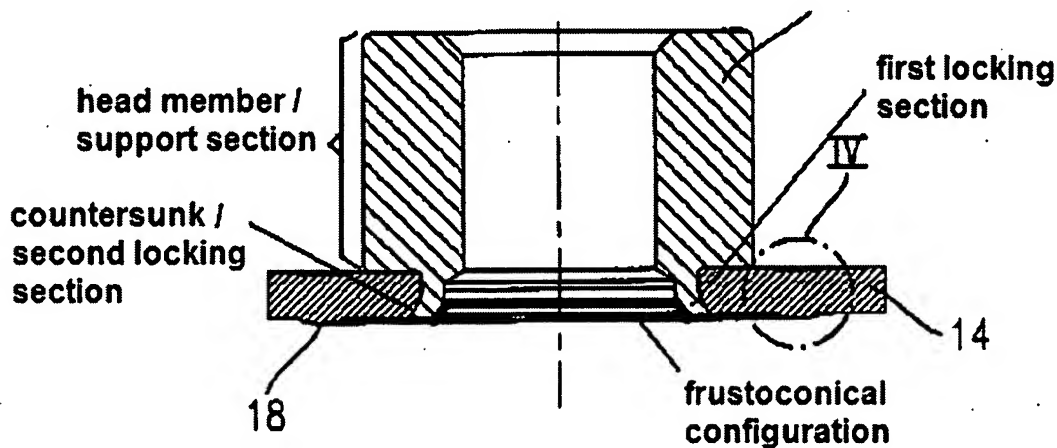
Claims 1, 4, 15, 16-18 and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Krause (US 6,343,962).

Krause discloses an electrical connector comprising a first electrical conduit assembly (10) having a first conductive contact (14) and an aperture (not labeled) in the first conductive contact; a first fastener (16) rotatably received in the aperture, the first fastener having a head member (on top, see Fig.3) and a body portion (bottom portion), a threaded passageway (not labeled, inside 16) extending from the head member to a distal end of the body portion, the distal end of the body portion being radially outwardly swaged into a substantially frustoconical configuration (see Fig.3) to prevent the first fastener from being accidentally removed from the aperture; a second electrical conduit assembly having a second conductive contact and a second fastener (col. 2 line 21-23) extending outwardly from the second conductive contact and adapted to be threadably received by the passageway of the first fastener.

Regarding claim 4, Krause discloses the aperture being countersunk to facilitate swaging the first fastener to the first conductive contact.

Regarding claim 15, Krause discloses the head member being larger than the aperture.

Regarding claim 16, Krause discloses a terminal for an electrical conduit, comprising: a conductive contact (14) having an aperture (not labeled) therein; a conductive securing member (16) having a support section (top) and a first locking section (bottom); the conductive securing member having a threaded through passageway (not labeled, inside 16) adapted to threadably receive another terminal (col. 2 line 21-23); the securing member support section being rotatably received in the aperture in the conductive contact, the locking section being formed after the support section is received in the aperture; and a second locking section (bottom half of the aperture) associated with the conductive contact to resist removal of the conductive securing member from the conductive contact by engaging the first locking section on the securing member.



[from the section Response to Arguments of the Final Office action]

Regarding claims 17 and 18, Krause discloses the first locking section being swaged; and the support section being larger than the aperture.

Regarding claim 33, Krause discloses an electrical connector comprising a first electrical conduit assembly having a first conductive contact (14) and a first aperture (not labeled) in the first conductive contact; a first fastener (16) rotatably received in the first aperture, the first fastener having a head member (top) and a body portion (bottom), a part of the body portion being swaged to prevent the first fastener from being accidentally removed from the first aperture; and a second electrical conduit assembly having a second conductive contact (col. 2 line 21-23), the second conductive conduct being adapted to threadably engage the first fastener.

Regarding claim 34, Krause discloses the first fastener having a threaded passageway (not labeled) extending from the head member to the distal end of the body portion.

Regarding claim 35, Krause discloses a second fastener (col. 2 line 21-23) extending outwardly from the second conductive contact, and adapted to be received by the first fastener threaded passageway.

Regarding claim 36, Krause discloses a portion (inside 16) of the body portion of the first fastener is threaded.

Claims 2, 3, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krause in view of Kue (US 5,975,821).

Krause discloses substantially the claimed invention except for the washer. Kue teaches the use of a (Belleville) washer (90) between a first contact (72) and a head member of a first fastener (70). This arrangement improves electrical and mechanical performance in vibrating environments. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Krause with a washer between a first contact and the head member of the first fastener, as taught by Kue, to improve electrical and mechanical performance in vibrating environments.

Claims 5, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krause in view of Bentrim (US 6,866,456).

Krause discloses substantially the claimed invention except for the spacer. Bentrim teaches the use of a spacer (15) having a first (countersunk) opening and disposed on a proximal end of fastener (11) to allow for a floating connection and thus facilitate connection with the mating part. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Krause with a spacer, as taught by Bentrim, to allow for a floating connection and thus facilitate connection with the mating part.

Regarding claim 12, Krause, as modified by Bentrim, discloses substantially the claimed invention except for the material of the spacer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use brass as the preferred material for the spacer in order to provide corrosion resistance and cold

workability, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design preference. *In re Leshin*, 125 USPQ 416.

Claims 7-10, 13, 14 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krause in view of Rowls et al. (US 3,775,730).

Krause discloses substantially the claimed invention except for the boot assembly. Rowls teaches a boot assembly (10) disposed on the first conductive contact (24); the boot assembly having a cap (52) adapted to cover the head member (not labeled) of a first fastener (28); and having a second opening; the boot cap having a circumferential groove (under 58) on an inner wall received by a recess (under 50) of the fastener; in order to protect the conductive contact and the fastener. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Krause with a boot assembly and a boot cap, as taught by Rowls, to protect the conductive contact and the fastener.

Regarding claims 13 and 14, Krause, as modified by Rowls, discloses substantially the claimed invention except for the specific material of the boot assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use PVC, TPR or silicon as the preferred material for the boot assembly in order to reduce cost by using material that are readily available, and since it has been held to be within the general skill of a worker in the art to select a known

material on the basis of its suitability for the intended use as a matter of obvious design preference. *In re Leshin*, 125 USPQ 416.

Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krause.

Krause discloses substantially the claimed invention except for the material of the fastener / securing member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use brass as the preferred material for the first fastener in order to provide corrosion resistance and cold workability, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design preference. *In re Leshin*, 125 USPQ 416.

Response to Arguments

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bentrim teaches the use of a spacer (15) having a first (countersunk) opening and disposed on a

proximal end of fastener (11) to allow for a floating connection and thus facilitate connection with the mating part.

In response to Appellant's argument (regarding Rowls) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Rowls teaches a boot assembly (10) disposed on the first conductive contact (24); the boot assembly having a cap (52) adapted to cover the head member (not labeled) of a first fastener (28); and having a second opening; the boot cap having a circumferential groove (under 58) on an inner wall received by a recess (under 50) of the fastener; in order to protect the conductive contact and the fastener.

(10) Response to Argument

A. Rejection of Claims 1, 4, 15-18 and 33-36.

Claim 1:

In response to Appellant's argument (one page 6, first full paragraph) that Krause does not have "a fastener having a head member and a body portion and a threaded passageway extending from the head portion to the distal end of the body portion", Please note that Krause shows (in Figure 3) a fastener (16) having a head member

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(section on top of plate 14) and a body portion (section below the top surface of 14) and a threaded passageway (col. 2 line 21-23) extending from the head portion to the distal end of the body portion. Please note that while the claim language requires the passageway (with threads) to extend from the head portion to the distal end of the body portion, it does not require the threads to extend along the whole length of the passageway.

In response to Appellant's argument that Krause further fails to disclose "a distal end of a body portion being swaged radially outward into a frustoconical configuration", please note that Figure 3 of Krause shows the distal end of the body portion being swaged radially outward into a frustoconical configuration, i.e. like base of a cone with the top part cut out.

Furthermore, please note that the claim language does not require the whole body portion to be swaged into the frustoconical configuration, but only the distal end.

Nonetheless, please note that the use of the modifier "substantially" preceding "frustoconical" allows for arrangement that may not be perfectly frustoconical.

Claim 4:

In response to Appellant's argument that Krause does not disclose "a countersunk conductive contact and does not disclose a fastener swaged into a substantially frustoconical configuration in the countersunk portion of the aperture", please note that Krause discloses a countersunk (i.e. hole with an enlarged end) conductive contact and does not disclose a fastener swaged into a substantially

frustoconical configuration in the countersunk portion of the aperture, as seen in the following figure.

Claim 15:

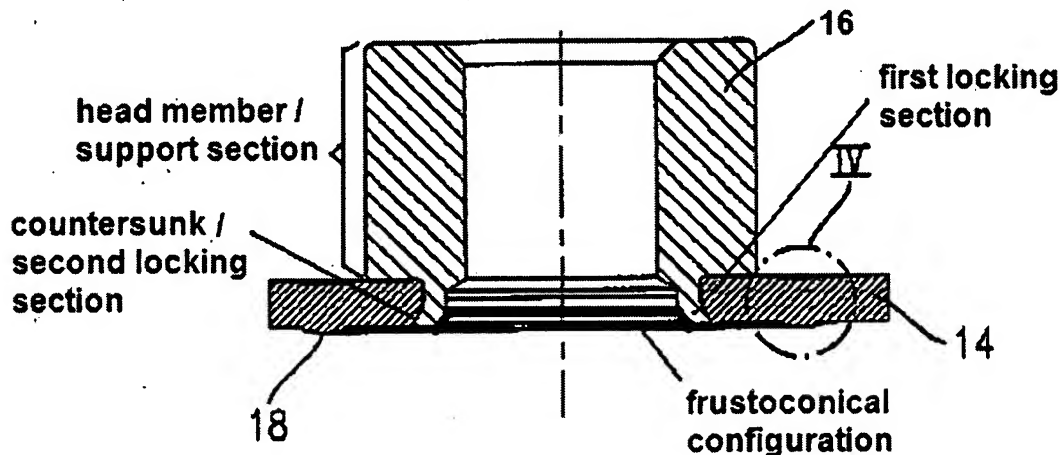
In response to Appellant's argument (one page 7) that Krause fails to disclose "a head member and a body portion of the fastener where the head member is larger than the aperture in the first conductive contact", please note that Krause shows (in Figure 3) a head member (top portion of 16) and a body portion (bottom portion of 16) of the fastener where the head member is larger than the aperture in the first conductive contact (14).

Claim 16:

In response to Appellant's argument (on page 7, last paragraph) that Krause does not disclose or suggest "a conductive securing member having a support section and a first locking section where the conductive securing member has a threaded passageway to receive another terminal" because "the threaded passageway does not extend completely through the lug and the flange", please note that the features upon which Appellant relies (i.e., the thread extending completely through) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim language requires "a threaded through passageway", but does not require the thread to extend along the whole length of the passageway.

In response to Appellant's argument (on page 8) that Kraus does not disclose "a securing member support section being rotatably received in the aperture in the conductive contact and where the locking section is swaged radially outward into a substantially frustoconical configuration", please see the following figure, which shows the securing member support section (16) being rotatably received in the aperture in the conductive contact and where the (first) locking section is swaged radially outward into a substantially frustoconical configuration, i.e. like base of a cone with the top part cut out.

Nonetheless, please note that the use of the modifier "substantially" preceding "frustoconical" allows for arrangement that may not be perfectly frustoconical.



In response to Appellant's argument that Krause also fails to disclose "a second locking section associated with the conductive contact to resist removal of the securing member by engaging the first locking section on the securing member", please note the previous figure shows the second locking section (countersunk/enlarged portion of

opening) associated with the conductive contact (14) to resist removal of the securing member (16) by engaging the first locking section on the securing member.

Claim 17:

In response to Appellant's argument (on page 8) that Krause fails to disclose "the first locking section at the distal end of the conductive securing member" please see the previous figure, which shows the first locking section being at the distal end (bottom) of the conductive securing member (16).

Claim 18:

In response to Appellant's argument (on page 8) that Krause does not disclose "the conductive securing member support section being larger than the aperture", please see the previous figure, which shows the support section (top portion of 16) being larger than the aperture (at 14).

Claim 33:

In response to Appellant's argument (on page 9, top paragraph) that Krause does not disclose "a first fastener received in an aperture of a conductive contact and having a head member and a body portion where a part of the body portion is swaged radially outward into a substantially frustoconical configuration", please see Figure 3, which shows a first fastener (16) received in an aperture of a conductive contact (14) and having a head member (top portion of 16) and a body portion (bottom portion of 16) where a part of the body portion is swaged radially outward into a substantially frustoconical configuration, i.e. like base of a cone with the top part cut out.

Nonetheless, please note that the use of the modifier "substantially" preceding "frustoconical" allows for arrangement that may not be perfectly frustoconical.

Claim 34:

In response to Appellant's argument that Krause does not disclose "a threaded passageway extending from a head member to a distal end of a body portion", please note that Krause discloses a passageway (with threads, col. 2 line 21-23) extending from a head member to a distal end of a body portion. The claim language does not require the threads extending along the whole length of the passageway.

Claim 35:

In response to Appellant's argument (on page 10) that Krause fails to disclose "a second fastener extending outwardly from the second conductive contact to be received by the threaded passageway of the first fastener that extends from the head member to a distal end of the body portion", please note that Krause discloses a second fastener (screw bolt, col. 2 line 21-23) extending from a second conductive contact.

Claim 36:

In response to Appellant's argument that Krause fails to disclose "a body portion being threaded", please note that at least a top portion of the body portion is threaded.

B. Rejection of Claims 2, 3, 19 and 20 under 35 U.S.C. § 103(a).

Claim 2:

In response to Appellant's argument (on page 10) that Kue does not disclose "the claimed washer and provides no motivation or incentive to one of ordinary skill in the art

to modify the device of Krause", it is noted that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kue teaches the use of a (Belleville) washer (90) between a first contact (72) and a head member of a first fastener (70). The arrangement improves electrical and mechanical performance in vibrating environments.

In response to Appellant's argument that Kue "is not related to an electrical connector", please note that it has been held that a prior art reference must either be in the field of Appellant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the Appellant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the prior art reference is in the field of Appellant's endeavor, i.e. threaded fasteners.

In response to Appellant's argument (on page 11) that "the elastic plate 90 that contacts a cushion member of Kue provides no motivation or incentive to one of ordinary skill in the art to provide a washer in the device of Krause", it is noted that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kue teaches the use of a (Belleville) washer (90) between a first contact (72) and a head member of a first fastener (70). The arrangement improves electrical and mechanical performance in vibrating environments.

Claim 3:

In response to Appellant's argument that Kue does not disclose "the specific washer" please see Figs. 10 and 11, in which Kue discloses Belleville washers (90), i.e. cupped spring washer.

Claim 19:

In response to Appellant's argument regarding claim 19, since it refers to "the reasons discussed above", please refer to the previous response in this Answer.

Claim 40: [20]

In response to Appellant's argument that Krause and Kue does not disclose "the claimed washers in the claimed terminal", please note that Krause discloses the claimed terminal. Furthermore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Krause with a washer between a first contact and the head member of the first fastener, as taught by Kue, to improve electrical and mechanical performance in vibrating environments.

C. Rejection of Claims 5, 6 and 12 under 35 U.S.C. § 103(a).Claim 5:

In response to Appellant's argument (on page 12) that Bentrim does not disclose or suggest "a spacer disposed on a distal end of a first fastener as in claim 5 where the fastener has a head member and a body portion with a threaded passageway extending through the head member to a distal end of the body portion and where the distal end of the body portion is swaged radially outward into a frustoconical configuration", please see Fig. 3, in which Bentrim shows a spacer (15) disposed on a distal end of a first fastener (11), where the fastener has a head member (top of 11) and a body portion (at 12, 14) with a threaded passageway extending through the head member to a distal end of the body portion and where the distal end (at 14) of the body portion is swaged radially outward into a frustoconical configuration.

In response to Appellant's argument that "the shank 14 of Bentrim does not form a threaded passageway", please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, as previously discussed, Krause discloses the threaded passageway as claimed.

In response to Appellant's argument that Bentrim "provides no motivation or incentive to one of ordinary skill in the art to modify the device of Krause", please note that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

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USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bentrim teaches the use of a spacer (15) having a first (countersunk) opening and disposed on a proximal end of fastener (11), thus allowing for a floating connection and thus facilitating connection with the mating part.

In response to Appellant's argument that "modifying Krause to include a spacer as suggested in the rejection according to the structure of Bentrim would prevent the bead 18 from contacting the opposing surface", it is first noted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, please note that the proposed modification can be achieved using the appropriately sized bead or spacer.

Nonetheless, the bead 18 is not essential to the apparatus of Krause. Thus, obviating it from the proposed modification would not render the apparatus of Krause inoperable.

In response to Appellant's argument that Krause "has no need for the retainer 15 of Bentrim", please note that there is no need that the prior art disclose a particular problem or need in order to allow one skilled in the art to improve upon it.

In response to Appellant's argument that "the retainer 15 of Bentrim captures the nut on the plate member 13 and is not a spacer as claimed", please note that the

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spacer/retainer (15) of Bentrim retains the first fastener/nut (11) to the first electrical conduit/plate (13), in the same fashion as the spacer (81, as shown in Fig. 3) on the present application.

Claim 6:

In response to Appellant's argument (on page 12, bottom paragraph) that "the retainer of Bentrim does not have a countersunk opening to facilitate swagging of the first terminal to the spacer", please see Figure 8, in which Bentrim shows the countersunk opening (at 18).

Claim 12:

In response to Appellant's argument that Krause and Bentrim do not disclose "a brass spacer", please note that the rejection does not state that Krause or Bentrim discloses the brass material, but rather that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brass as the preferred material for the spacer in order to provide corrosion resistance and cold workability, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design preference. *In re Leshin*, 125 USPQ 416.

D. Rejection of Claims 7-10, 13, 14 and 22-25 under 35 U.S.C. § 103(a).

Claim 7:

In response to Appellant's argument (on page 13) that Rowls " provides no suggestion of modifying the device of Krause to include a boot member to overlie the

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axial passage of Krause", please note that Rowls teaches a boot assembly (10) disposed on the first conductive contact (24); the boot assembly having a cap (52) adapted to cover the head member (not labeled) of a first fastener (28); and having a second opening; the boot cap having a circumferential groove (under 58) on an inner wall received by a recess (under 50) of the fastener; in order to protect the conductive contact and the fastener. See col. 1 lines 32-39.

In response to Appellant's argument that "[s]ince Krause does not disclose or suggest the claimed electrical connector, claim 7 would not have been obvious to one of ordinary skill in the art even if one were to include the cover of Rowls", please note that Krause disclose the claim invention, as state in the Final Office action and for the reasons previously stated in this Answer.

Claim 8:

In response to Appellant's argument (on page 14) that the art cited does not disclose "a boot cap", please note that Row discloses a boot cap (52).

Claim 9:

In response to Appellant's argument that Rowls does not have "a groove on the inner wall thereof and does not suggest a fastener having a recess to receive the groove of the boot cap", please note that Rowls discloses a grove (at 58) on the inner wall of the boot cap, and the fastener having a circumferential recess (between 50 and 32) to receive the groove.

In response to Appellant's argument that Rowls " provides no motivation or suggestion to modify the device of Krause", please note that Rowls teaches a boot

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assembly (10) disposed on the first conductive contact (24); the boot assembly having a cap (52) adapted to cover the head member (not labeled) of a first fastener (28); and having a second opening; the boot cap having a circumferential groove (under 58) on an inner wall received by a recess (under 50) of the fastener; in order to protect the conductive contact and the fastener. See col. 1 lines 32-39.

Claim 10:

In response to Appellant's argument that Rowls further fails to suggest "a boot assembly having an opening therethrough to receive first and second fasteners of an electrical connector", please see Fig. 5, in which Rowls shows an opening (at 12) to receive first and second fasteners.

Claim 13:

Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Nonetheless, please note that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use PVC, TPR or silicon as the preferred material for the boot assembly in order to reduce cost by using material that are readily available, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design preference. *In re Leshin*, 125 USPQ 416.

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Claim 14:

In response to Appellant's argument (on page 15) that Rowls does not disclose the specific elastomeric material, please note that the rejection does not claim that Rowls disclose the specific material, but rather that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use PVC, TPR or silicon as the preferred material for the boot assembly in order to reduce cost by using material that are readily available, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design preference. *In re Leshin*, 125 USPQ 416.

Claim 22:

In response to Appellant's argument that Krause and Rowls do not suggest "providing a boot on the contact of the terminal device", that Rowls teaches a boot assembly (10) disposed on the first conductive contact (24) in order to protect the conductive contact and the fastener. See col. 1 lines 32-39.

Claim 23:

In response to Appellant's argument that that Rowls does not suggest a boot cap on a terminal, please note that Rowls teaches a boot assembly (10) disposed on the first conductive contact/terminal (24) in order to protect the conductive contact and the fastener.

Claim 24:

In response to Appellant's argument that Krause and Rowls do not disclose "circumferential grooves on an inner wall where the conductive securing member

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includes a recess to receive the groove in combination with the terminal", please note that Rowls discloses a groove (at 58) on the inner wall of the boot cap, and the conductive securing member having a circumferential recess (between 50 and 32) to receive the groove.

Claim 25:

In response to Appellant's argument that Rowls do not suggest "the boot having an opening to receive the securing member of the terminal", please see Fig. 5, which show the opening (at 12) to receive the securing member of the terminal.

E. Rejection of Claims 11 and 21 under 35 U.S.C. § 103(a).Claims 11 and 21:

In response to Appellant's argument that it would not have been obvious to form the fastener/securing member of Krause of brass, please note that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brass as the preferred material for the spacer in order to provide corrosion resistance and cold workability, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design preference. *In re Leshin*, 125 USPQ 416.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Felix O. Figueroa/
Primary Examiner
Art Unit 2833

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